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6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 BOW JAX INC., an Idaho  
8 Corporation,

9 Plaintiff,

10 v.

11 SIMS VIBRATION  
LABORATORY, INC., a  
12 Washington corporation, and  
STEVEN C. SIMS, an Individual,

13 Defendants.  
14

NO. CV-09-047-RHW

**ORDER GRANTING  
DEFENDANT'S MOTION TO  
ENTER STIPULATED  
PROTECTIVE ORDER, IN PART**

15 Before the Court is Defendant's Motion to Enter Stipulated Protective Order  
16 (Ct. Rec. 21). The motion was heard without oral argument.

17 The parties anticipate that discovery in this matter will require disclosing  
18 trade secret and other confidential commercial information, such as financial,  
19 design, and marketing data. The parties stipulate to the entry of a protective order.

20 In paragraph 15 of the Stipulated Protective Order, the parties indicate that if  
21 a party is to file a document that contains or refers to Confidential or Highly  
22 Confidential Information, the document shall be filed as sealed in the public  
23 record.

24 It is the policy of this District and the Judges herein not to enter blanket  
25 protective orders. Not only do such orders unnecessarily impede the public's  
26 rights of access to court proceedings, they make appellate review difficult. *See,*  
27 *e.g., Foltz v. State Farm Mut. Auto. Insur. Co.*, 331 F.3d 1122, 1131 (9<sup>th</sup> Cir. 2003).  
28 The Federal Rules of Civil Procedure grant this Court broad latitude in crafting

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1 protective orders. Fed. R. Civ. Pro. 26(c); *see also Phillips v. General Motors*  
2 *Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (noting that rule 26(c) authorizes  
3 district courts to issue “*any* order which justice requires to protect a party or person  
4 from annoyance, embarrassment, oppression, or undue burden”) (emphasis in  
5 original). For good cause, the Court will enter orders protecting specific  
6 information from disclosure or forbidding inquiry into certain matters, in  
7 accordance with Rule 26(c).

8 Thus, while the parties are free to agree with respect to the management of  
9 the dissemination and use of the information between themselves during the  
10 discovery process as set forth in the Stipulated Protective Order, the Court will  
11 require the parties to seek permission from the Court prior to filing any document  
12 covered by the Stipulated Protective Order under seal in the court record.

13 Accordingly, **IT IS HEREBY ORDERED:**

14 1. Defendant’s Motion to Enter Stipulated Protective Order (Ct. Rec. 21) is  
15 **GRANTED**, in part.

16 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
17 Order and forward copies to counsel.

18 **DATED** this 7<sup>th</sup> day of December, 2009.

19  
20 *s/Robert H. Whaley*

21 ROBERT H. WHALEY  
22 United States District Judge  
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